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## **WEEK IN REVIEW - JANUARY 11-15, 1999**

### **HOUSE FLOOR**

On Tuesday, January 12, the South Carolina House of Representatives convened in Columbia for the 113<sup>th</sup> session of the General Assembly. After three years of conducting business in the temporary quarters in the Carolina Plaza building, Representatives returned to the House Chamber which was fully refurbished during the major renovation of the State House completed in the summer of 1998.

On Thursday, Representatives approved several changes to the House Rules of Procedure:

Rule 3.12 was added to specify a dress code for members and employees of the House, pages excluded. Dignified attire is defined as coat, trousers, shirt and tie for males and dress, skirt, slacks and blouse, or pants suits for females. The Speaker of the House is provided sole discretion in excusing an individual from the dress code.

Under Rule 4.8, the Speaker is authorized to commit to a committee any bill or joint resolution which has been returned from the Senate with an amendment that has so materially changed the measure that it no longer relates to the original purpose of the measure. The House amended the rule by authorizing the Speaker to exercise this option for concurrent resolutions as well as for bills and joint resolutions. The House also removed language that required such measures to have originated in the House in order for the Speaker to exercise this authority.

The House amended Rule 4.3 by removing language which prevented the House, as a whole, from receiving invitations to functions after the third Thursday in May.

The House added Rule 4.19 which provides that when a bill or resolution is reported out of a standing committee, any available summary of that measure prepared by committee staff may be made available to members electronically. The new rule provides for a disclaimer that must be printed on such summaries making clear that the material is for internal use and is not an expression of legislative intent.

The House amended Rule 5.3B, pertaining to appropriations bills, so as to require that "an amendment which has the effect of appropriating funds in excess of ten million dollars during the fiscal year stated within the bill shall include within the amendment the corresponding appropriation reduction(s) and/or revenue increase(s) within the same section that shall fully fund the amendment's proposed appropriation(s) or have attached to it in writing an explanation of the appropriation reduction(s) and/or revenue increase(s) from the different section(s) that shall fully fund the amendment's proposed appropriation(s)."

Rule 5.14 provides that no report of a Committee on Conference or Free Conference may be considered until the report is printed in the House Journal and explained by conferees on the floor of the House. Specific exceptions are provided. The House amended the rule to add a Conference or Free Conference Report on the Capital Reserve Fund to the list of exceptions.

Rule 6.1 was amended to reduce from six to three the number of weeks at the beginning of the session when the House may meet at 2:00 on Wednesday afternoons to allow committees to meet during the morning hours.

Rule 7.3(i) was amended to remove references which have been made obsolete by the use of the new electronic voting system installed in the House Chamber during the recent State House renovations. The new electronic voting system makes use of cards rather than keys.

Formerly, Rule 8.10 allows a question to be divided if the Speaker “shall appear to comprehend” that the question is divisible. The House amended the rule by replacing “shall appear to comprehend” with the more straightforward “determines.”

Rule 8.14 provides for how a question decided in the affirmative or negative may be reconsidered. The Rule was amended to provide “that if the motion to reconsider concerns an amendment to the matter under Special Order, the House shall immediately have the question of reconsideration before it.”

Rule 9.4 was amended to add: “Proposed amendments must be typewritten and in the proper format for the computer system except as allowed by the Speaker at his discretion.”

The House added Rule 9.6: “Proposed amendments to local bills may not impact, affect, or reference any portion of a county other than the county originally referenced in the local bill.”

Rule 10.1 restricts access to the floor of the House Chamber during session. The House amended the rule to add “each statewide constitutional officer” to the list of individuals afforded access to the House floor during session. The House also amended the rule by adding a provision that no member of the Press may conduct interviews within the House Chamber while the House is in session.

The House added Rule 10.6 pertaining to the newly installed computer equipment: “Laptop computers located in the House Chamber may not be removed from the Chamber.”

Rule 10.7 prohibits smoking in the Chamber and other House areas outside of specifically designated smoking areas. The House amended the rule to add “the use of all tobacco products” to the prohibition. The House also amended the rule to provide that the consumption of food is not permitted in the House Chamber.

The House deleted in its entirety Rule 10.10 which provided for when the meetings of a legislative caucus must be open to the public.

## **SENATE FLOOR**

The Senate’s agenda for the first week of session included organization, which was highlighted by the selection of seats, election of officers, and committee assignments. In order to maintain the newly renovated Chamber in proper condition, the Senate adopted a motion to limit the consumption of food to appropriate areas in the joint meeting room and the Senate Cloakroom.

## **HOUSE COMMITTEE ACTION**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

The full Agriculture, Natural Resources and Environmental Affairs Committee did not meet this week.

## **EDUCATION AND PUBLIC WORKS**

The full Education and Public Works Committee did not meet this week.

## **JUDICIARY**

On Tuesday, January 12, the full Judiciary Committee adopted its rules for the 1999-2000 session.

## **LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee did not meet this week.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full 3-M Committee met and adopted its rules for the 1999-2000 session.

## **WAYS AND MEANS**

The full Ways and Means Committee did not meet this week.

# **HOUSE BILLS PREFILED ON JANUARY 6, 1999**

## **AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

### **H.3239 NO WAKE ZONE ON WACCAMAW RIVER ESTABLISHED Rep. Barfield**

This bill establishes a no wake zone from a point twenty-five yards north of the Highway 501 bridge across the Waccamaw River in Horry County to a point one hundred yards below the south side of the bridge.

### **H.3245 LOW-LEVEL RADIOACTIVE WASTE DISPOSAL Rep. Sheheen**

This bill eliminates the Low-Level Radioactive Waste Compact Negotiating Committee. The bill modifies the Budget and Control Board's responsibilities with regard to the Barnwell waste disposal site, so as to provide that the closure of the site is to be final and that the facility operator's license is to be cancelled rather than transferred. The bill provides that no low-level radioactive waste generated outside the state of South Carolina may be disposed of at a facility located in this state.

**H.3261 EXCLUSIVE USE OF MARSHLANDS ON THE NORTHEAST END OF SULLIVAN'S ISLAND Rep. Harrison**

This joint resolution repeals the joint resolution enacted on December 19, 1843, granting exclusive use of marshlands at the northeast end of Sullivan's Island to David Truesdell to use for planting oysters during the pleasure of the General Assembly.

**EDUCATION AND PUBLIC WORKS**

**H.3159 VEHICLE SALES/LICENSE PLATES Rep. J. Brown**

Current law relating to the grace period for procuring registration and license for a newly acquired vehicle provides that persons newly acquiring vehicles and owners of foreign vehicles being moved into this State and required to be registered have a maximum of forty-five days to register and license the vehicles. This bill adds language to the SC Code of Laws requiring that dealers issue interim license plates and registration cards when they sell vehicles. The bill requires the Department of Public Safety (DPS) to design the plate inexpensively and sell it to dealers for five dollars, which is also the price that the dealer may charge. The bill provides required information which must be on the interim plate and provides that if a person purchases a vehicle from other than a dealer, that person must apply directly to DPS for the interim plate and registration card within five days of purchasing the vehicle. The bill allows a maximum period of forty-five days for the owner of the vehicle to replace the interim plate and registration card with a permanent plate and card. Violation of these provisions is a misdemeanor punishable by a maximum fine of fifty dollars.

**H.3168 ASSISTIVE TECHNOLOGY TRAINING Rep. J. Brown**

This bill requires that a minimum of one credit hour in assistive technology training must be included in the recertification requirements for special education teachers and administrators. The bill defines "assistive technology" as a device or service which is used to increase, maintain, or improve the functional capacities of an individual with a disability.

**H.3173 SAFETY BELTS ON SCHOOL BUSES Rep. J. Brown**

This bill requires that every school bus purchased after June 30, 1999, must be equipped with safety belts for use by each person riding the bus. The SC Code of Laws defines "school bus" as every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

**H.3178 LICENSE PLATES Rep. Simrill**

This bill provides that a motor vehicle over twenty-five years old and used for general transportation may bear the license plate of the vehicle's model year instead of its current registration plate, if the current registration is maintained within the motor vehicle and produced upon request of a law enforcement officer.

**H.3188 SPEED LIMITS Rep. Knotts**

This bill revises the maximum speed limit on an interstate highway to seventy miles an hour. The bill also repeals the current section of law which makes it unlawful to operate a motor vehicle on the streets and highways of South Carolina at a speed in excess of fifty-five miles an hour, except where federal law permits the State to raise the speed limit above fifty-five miles per hour.

**H.3189 MINIMUM VISUAL REQUIREMENTS FOR DRIVING Rep. Hawkins**

This bill amends statutory minimum vision requirements for driving by adding a provision to the SC Code of Laws providing that a person whose degree of vision is less than 20/40, but better than 20/200 using spectacles, contact lenses, or the carrier portion of bioptic spectacles is eligible for a driver's license under certain conditions. Bioptic spectacles are specialized low vision devices.

**H.3193 *CONDITIONAL TEACHING CERTIFICATES* Rep. Cobb-Hunter**

This bill provides that a person not certified to teach in South Carolina who possesses peculiar expertise in a subject area of critical need or who in vocational areas has peculiar knowledge and expertise in the skills and abilities necessary to perform that vocation may, under certain conditions, teach that subject of critical need or that particular vocation under a conditional teaching certificate.

**H.3211 *ELIGIBILITY FOR LIFE SCHOLARSHIPS* Rep. Knotts**

This bill deletes the current statutory provision that makes a student who has been convicted of an alcohol-related offense ineligible for a LIFE Scholarship.

**H.3219 *PUBLIC SCHOOL GRADING SYSTEM* Rep. J. Brown**

This bill requires that the State Board of Education establish, by school year 2000-2001, a uniform grading system to be used by all public schools in South Carolina. Variations in grading are allowed between elementary and secondary schools and in certain other instances.

**H.3220 *HANDICAPPED PARKING SPACES* Rep. J. Brown**

This bill provides that a handicapped parking space may be used by a person authorized to use a handicapped placard, with the exception of numbered spaces reserved for use by only one person.

**H.3221 *SCHOOL DRESS CODE POLICY* Rep. J. Brown**

This bill authorizes a school board to promulgate regulations establishing a school uniform or dress code policy. The bill also specifies procedures which must be followed when a school implements a dress code that requires every student to wear uniform dress.

**H.3224 *ALTERNATIVE EDUCATION PROGRAMS* Rep. J. Brown**

This bill provides that, beginning with school year 2000-2001, any student suspended or expelled from school for certain reasons shall be supervised by the governing board of the school district, which shall use "alternative education programs" approved by the State Department of Education for these students. "Alternative education programs" are defined in the bill as programs designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that students who are unmotivated or unsuccessful in traditional programs or who are disruptive in the traditional school setting remain in school and obtain a high school diploma. The bill provides for district waivers from these requirements for economically justifiable reasons.

**H.3225 *SPECIAL EDUCATION STUDENTS* Rep. J. Brown**

This bill provides that, beginning no later than age sixteen, special education students who graduate from high school by diploma, attendance certificate, or who otherwise exit the public school system after entering high school must be provided an individual transition plan which must assure that the students have adequate information, access to adult service agencies and a statement of the interagency responsibilities or linkages which can provide appropriate assistive technology devices and services to them after they exit the public school system. The bill provides definitions for "assistive technology," for "assistive

technology services" and "assistive technology devices," and for "transition services." The bill also includes provisions regarding the development of the transition plan.

**H.3226 PERSONS DISTURBING SCHOOLS OR COLLEGES Rep. Lourie**

Current law provides that it is a misdemeanor for any person wilfully or unnecessarily to interfere with or to disturb students or teachers of any school or college of this State, to loiter about school or college premises, or to act in an obnoxious manner thereon. It is also a misdemeanor under current law for a person to enter any school or college premises or to loiter around the premises without permission from the person in charge. This bill provides that it may be inferred that a person who engages in picketing, a demonstration, or a protest, on the premises of a school or college, or within sight or hearing of a person lawfully on, entering or leaving the premises of the school or college, that interferes with access to or departure from the premises of the school or college, or the normal or regularly scheduled use and activities of the school or college, intends to wilfully or unnecessarily interfere with or disturb the school or college, or the students or teachers of the school or college.

**H.3227 PUBLIC EDUCATION FUNDING STUDY COMMITTEE Rep. Cobb-Hunter**

This joint resolution creates a Public Education Funding Study Committee, charged to study the system of funding K-12 public education in South Carolina and to report recommendations to the Governor and to the General Assembly on January 15, 2000, at which time the committee will dissolve. The bill provides certain areas that must be included in the study, provides for the composition, terms, and requirements for committee members, and provides for staffing for the committee.

## **JUDICIARY**

**H.3153 DRUG TREATMENT COURT ACT Rep. Wilkins**

This bill creates The South Carolina Drug Treatment Court Program (Program). The Program is designed to help create local drug treatment court programs throughout the state. Drug treatment programs use a non-adversarial approach to provide participants with access to drug and alcohol treatment and rehabilitation services. The bill requires offenders to contribute to the costs of substance abuse treatment received while in the Program. This bill does not confer a right or an expectation of a right to treatment for an offender within the criminal justice system.

H.3153 provides that the Program will have a director and an advisory committee. Under the bill, the director of the Program will be the director of the Sentencing Guidelines Commission. The Chairmen of the Senate and House Judiciary Committees will appoint the members of the advisory committee. The bill outlines the responsibilities and duties of the director and the advisory committee.

This bill also creates The Drug Treatment Court Program Fund (Fund). The director in consultation with the advisory committee will administer the Fund and award grants to help create and continue local drug treatment court programs. The bill provides guidelines for grant applications.

H.3153 authorizes circuit solicitors to form local drug treatment court management committees. The local drug treatment court management committees are charged with developing guidelines and procedures for the operation of the local drug treatment programs.

**H.3154 JURY LISTS Rep. Wilkins**

Currently, the circuit court jury lists are prepared by the State Election Commission from a list of 1) individuals in the county holding a valid South Carolina driver's license or identification card, and 2) registered voters in the county. Under the bill, the State Election Commission would prepare the circuit court jury list using only the list of names for the registered voters in the county.

**H.3155 SESSIONS OF THE GENERAL ASSEMBLY Rep. Wilkins**

This joint resolution proposes to delete certain obsolete language from the State Constitution relating to the sessions of the General Assembly.

This joint resolution proposes that the General Assembly will convene in the State Capitol on the second Tuesday in January in even-numbered years and on the second Tuesday in February in odd-numbered years.

This joint resolution proposes an organizational meeting of the Senate and House of Representatives in even-numbered years for the purposes of organization and electing officers.

This joint resolution proposes during odd-numbered years that the officers of the House and Senate will convene on second Tuesday in January for not more than two days in order to 1) accept any bills or resolutions introduced by a member, and 2) refer the bills and resolutions to the appropriate committees.

This joint resolution proposes that if casualties of war or contagious disease make it unsafe to meet at the seat of government, then the Governor by proclamation may appoint a more secure place to meet.

This joint resolution proposes that members of the General Assembly should not be compensated for more than forty days in any one session.

**H.3156 ADJOURNMENT OF THE GENERAL ASSEMBLY Rep. Wilkins**

This bill changes the date for *sine die* adjournment of the General Assembly from the first Thursday in June to the second Thursday in May.

Currently, in any year the House of Representatives fails to give third reading to the appropriations bill by March 31, then the date of *sine die* adjournment is extended by one statewide day for each statewide day after March 31 that the House of Representatives fails to give the bill third reading.

Under this bill, in any year the House of Representatives fails to give third reading to the appropriations bill by March 15, then the date of *sine die* adjournment is extended by one statewide day for each statewide day after March 15 that the House of Representatives fails to give the bill third reading.

**H.3157 COMMITMENT OF DEFENDANTS FOUND NOT GUILTY BY REASON OF INSANITY Rep. Campsen**

When a defendant is hospitalized because he or she was found not guilty by reason of insanity for a violent crime, under this bill the defendant may not leave the hospital premises unless a hospital employee is physically present at all times. This bill defines the term "violent crime" to include 1) all offenses described in *South Carolina Code of Laws* §16-1-60, the statute that defines violent crimes, and 2) the common law offense of assault and battery of a high and aggravated nature.



**H.3158 SOUTH CAROLINA RELIGIOUS FREEDOM ACT Rep. Campsen**

This bill prohibits the State or its political subdivisions from substantially burdening an individual's exercise of religion unless the State or political subdivision can prove that application of the burden is 1) in furtherance of a compelling state interest, and 2) the least restrictive means of furthering that compelling state interest. However, nothing in this bill may be construed so as to authorize the State to burden any religious belief.

This bill allows a person, whose exercise of religion has been burdened by the State or any of its political subdivisions, to assert the violation as a claim or defense in a judicial proceeding. Furthermore if the person prevails, he or she is entitled to attorney's fees and costs.

This bill does not affect, interpret, or in any way address the portions of the federal or state constitutions prohibiting laws respecting the establishment of religion. Granting state funding, benefits, or exemptions to the extent permissible under either the federal or state constitution is not a violation of this bill.

**H.3161 HATE CRIME PENALTY ENHANCEMENT ACT Rep. Jennings**

This bill increases penalties for an underlying offense, when the offender's choice of victim or property is influenced in whole or in part by the offender's belief or perception regarding the victim or property owner's race, color, ethnicity, national origin, ancestry, religion, gender, sexual orientation, or disability. Under this bill, the underlying offense is increased regardless of whether or not the offender's belief or perception was correct.

This bill authorizes courts to make findings that a child intentionally selected a victim or property on the basis of the child's belief or perception regarding the victim or property owner's race, color, ethnicity, national origin, ancestry, religion, gender, sexual orientation, or disability. This bill also authorizes a court to order a child for whom such findings are made to participate in a cultural diversity educational program.

This bill requires the State Law Enforcement Division (SLED) to establish and maintain a hate crime records repository. The bill authorizes SLED to promulgate regulations as to how to monitor, record, classify, and analyze information relating to hate crimes. The bill also has provisions detailing 1) reports that SLED must make, 2) how the information gathered should be disseminated, and 3) police officer training for identifying, responding to, and reporting hate crimes.

This bill establishes the Hate Crime Offender Registry, which is under the direction of the chief of SLED. The bill provides that the Hate Crimes Offender Registry will contain information that the chief considers necessary to assist law enforcement in the location of persons convicted of certain offenses. When there is good cause, this bill authorizes a judge to order a person to be included in the Hate Crimes Offender Registry. The bill also outlines how and when individuals must register with the Hate Crimes Offender Registry. Penalties are established for failure to comply.

There is a provision in the bill allowing the public to inspect the Hate Crimes Offender Registry. This bill also authorizes a sheriff to release certain information, if the sheriff believes that the disclosure of such information will deter crime.

There is a severability provision in the event any portion of this bill is found to be unconstitutional.

**H.3164 PROCEDURE FOR THE QUALIFICATION OF A CANDIDATE FOR  
STATEWIDE OFFICE WHEN THE PERSON WINNING THE PRIMARY  
DIES OR WITHDRAWS FROM THE ELECTION Rep. J. Brown**

When a candidate who has qualified for the general election dies or withdraws from the election, under this bill the candidate receiving the next highest number of votes in the primary election is qualified for the general election. However, the bill does require that the candidate with the next highest number of votes must have received at least thirty percent of the votes cast in the primary election. This procedure may be utilized until the maximum number of candidates for each office on the general election ballot is reached.

Also, *South Carolina Code of Laws* §§7-11-50 and 7-11-57 are amended to make reference to the provisions set forth in this bill.

**H.3165 MENTALLY ILL OFFENDER ACT Rep. J. Brown**

This bill provides procedural safeguards in the prosecution of mentally ill defendants. The bill outlines when and how defendants are entitled to 1) the assistance of counsel, and 2) their own experts or professionals to perform examinations. Note that under this bill either side may call any expert or professional that has reported on the defendant as a witness.

H.3165 provides that the term of commitment or treatment for a mentally ill defendant may not exceed the maximum sentence for the offense charged.

The bill has a provision limiting when evidence of insanity may be introduced. When evidence of insanity is allowed, the defendant has the burden of proving insanity by a preponderance of the evidence. The bill also contains a special verdict form to be used in cases where the issue of insanity is submitted to the jury.

H.3165 states that so long as an individual is incompetent, he or she may not be tried, convicted, or sentenced for the commission of an offense. This bill authorizes the court to act on its own motion regarding the issue of a defendant's competency to stand trial. The bill outlines 1) procedures for the examination of the defendant, and 2) information that must be contained in the expert or professional's report.

H.3165 describes the court's options when 1) the defendant moves for a judgment of acquittal on the grounds of insanity, 2) the court finds the defendant is incompetent, 3) the defendant is found guilty, by reason of insanity, and it is found that the defendant is not a substantial danger to others, 4) the defendant is found guilty, by reason of insanity, and it is found that the defendant is a substantial danger to others, and 5) the defendant is found to be in need of control by the court, other persons, or institutions.

This bill requires adequate care and individualized treatment for mentally ill defendants.

H.3165 requires the Department of Mental Health to develop a mentally ill offender program. The bill outlines necessary components of the mentally ill offender program, including how a person may be released from the program.

This bill amends *South Carolina Code of Laws* §44-23-210, the statute relating to the transfer of confined persons to or between mental health or mental retardation institutions, so as to exempt patients committed to a mentally ill offender program.

This bill amends *South Carolina Code of Laws* §44-23-420, the statute relating to a designated examiner's reports, so as to make its provisions comply with the competency provisions provided for in this bill.

This bill amends *South Carolina Code of Laws* §44-23-460, the statute relating to procedures when a person charged with a crime no longer requires hospitalization, so as to provide that this statute does not apply to patients committed a mentally ill offender program.

This bill repeals *South Carolina Code of Laws* §44-23-430, the statute relating to fitness to stand trial. This bill also repeals *South Carolina Code of Laws* Chapter 24, Title 17 relating to mentally ill or insane defendants.

**H.3171 GRANDPARENT VISITATION Rep. J. Brown**

Currently, courts may order periods of visitation for the grandparents of a minor child only in limited circumstances. This bill deletes the conditions that limit when a court may award grandparent visitation.

**H.3174 DEFRAUDING A HOTEL, MOTEL, INN, BOARDING HOUSE, ROOMING HOUSE, CAFÉ, OR RESTAURANT OWNER Rep. Simrill**

This bill amends *South Carolina Code of Laws* §45-1-50, the statute relating to defrauding a keeper of hotel, motel, inn, boardinghouse, rooming house, café or restaurant. This bill adds campground to the listed lodging accommodations, and the bill defines the term "campground." The bill also makes minor grammatical changes to the statute.

**H.3175 EQUALIZATION OF PENALTIES FOR UNLAWFUL POSSESSION OF VARIOUS FORMS OF COCAINE Rep. Davenport**

This bill exempts cocaine offenses from the penalties provided for in *South Carolina Code of Laws* §44-53-370, the statute relating to prohibited acts and penalties in connection with poisons, drugs, and other controlled substances.

This bill amends *South Carolina Code of Laws* §44-53-375, the statute relating to prohibited acts and penalties in connection with the possession, distribution, and manufacture of ice, crank, crack cocaine, so as to include cocaine. H.3175 equalizes the penalties for unlawful possession of and intent to distribute the various forms of cocaine.

**H.3176 NONPARTISAN COUNTY ELECTIONS Rep. Bales**

This bill establishes procedures through which the governing body of a county may be elected in nonpartisan elections.

**H.3179 SAFETY BELTS Rep. D. Smith**

H.3179 amends the penalties and enforcement statute for safety belt violations. This bill provides that not wearing a safety belt is a misdemeanor. Currently, the maximum penalty for a safety belt violation is a fine of ten dollars. This bill increases the penalty to a fine of fifty dollars, or imprisonment for thirty days, or both.

Currently, 1) no court costs may be assessed against a person convicted, 2) the maximum fine for any one incident involving multiple violations is twenty dollars, 3) custodial arrests are authorized only when an individual does not pay a fine or does not respond to a summons to appear in court, and 4) law enforcement officers are not allowed to stop a driver for only a safety belt violation. H.3179 deletes these provisions.

This bill requires all schedules of rates, rate classifications, and rating plans for automobile insurance filed with the Department of Insurance to provide for a five percent rate reduction in premium charges of every kind for all insured persons in South Carolina.

**H.3180 SEXUALLY VIOLENT PREDATORS Rep. Klauber**

Currently, when a person has been convicted of a sexually violent offense, the agency with jurisdiction must give notice to the multidisciplinary team and the Attorney General at least ninety days before the person is subject to release, hearing, or parole. Under this bill, there must be at least one hundred eighty days notice.

This bill adds a provision regarding notice requirements for a person under the Department of Juvenile Justice who is indefinitely transferred to the Department of Mental Health for the treatment of a serious emotional disturbance.

This bill states that certain provisions of *South Carolina Code of Laws* §§44-48-40, 44-48-50, 44-48-60, and 44-48-70 are not jurisdictional, and failure to comply with the provisions does not prevent the Attorney General from proceeding against a person otherwise subject to the Sexually Violent Predator Act.

This bill requires that certain records pertaining to a person's criminal history must be provided to the multidisciplinary team and the Attorney General.

Currently, the Attorney General must file a petition within thirty days of the prosecutor review committee's determination that probable cause exists to support the allegation that a person is a sexually violent predator. This bill extends that time frame to forty-five days.

This bill provides that 1) the State of South Carolina or 2) a person or entity acting on behalf of the State is not required to pay filing fees in proceedings brought under the Sexually Violent Predator Act.

This bill provides that if a person is already in a secure facility, then the probable cause hearing must be held within seventy-two hours of the person's release date. This bill authorizes the State to use hearsay evidence in the probable cause hearing. If a probable cause determination is made, under this bill a person may not be released from confinement prior to the conclusion of the trial.

This bill encourages the voluntary exchange of information between parties; however, formal depositions and discovery may be conducted.

If a person has been determined to be a sexually violent predator and subsequently is convicted of an offense which results in incarceration, then under this bill the person upon completion of the sentence would be returned to the appropriate facility for the treatment of sexually violent predators without any additional proceedings being brought.

#### **H.3181 INMATE CIVIL LITIGATION Rep. Klauber**

This bill prohibits an inmate from filing a civil action or appealing a judgment in a civil action, if while in prison the inmate has had three actions in either state or federal court dismissed on the grounds that they were either frivolous, malicious, or failed to state a cause of action. If such an inmate files a fourth civil action, under this bill the inmate may be held in contempt of court.

This bill requires the Department of Corrections and the Insurance Reserve Fund to maintain a data base of prisoners who file civil actions. The Department of Corrections and the Insurance Fund are charged with notifying the Attorney General if an inmate violates the provisions of this bill.

This bill requires a complaint filed on behalf of a prisoner to include the inmate's assigned number.

**H.3181** allows a court to dismiss without prejudice a civil action brought by a prisoner against a victim or witness when a prisoner fails to pay certain filing fees and court costs.

Under this bill, a prisoner may be subject to forfeiting all or part of his or her work, education, or good conduct credits for misconduct in cases brought by the prisoner against a victim or witness in connection with a crime the prisoner has been convicted of regardless of whether or not the prisoner was incarcerated for that crime.

**H.3182 DEATH PENALTY Rep. Klauber**

This bill provides that the following separate aggravating circumstances should be considered in making the determination of whether or not the death penalty should be imposed: 1) a murder committed in violation of a valid order of protection or a valid restraining order, and 2) a murder committed against a household member when the defendant had at least one prior conviction for committing certain listed offenses against the household member victim.

**H.3183 MAGISTRATE BOND HEARINGS Rep. Klauber**

This bill authorizes magistrates in certain criminal domestic violence cases, upon request from an alleged victim and a showing of good cause at the hearing, to order a person charged with a bailable offense to be detained for forty-eight hours after his or her arrest.

**H.3184 GENERAL ASSEMBLY REVIEW OF REGULATIONS Rep. Townsend**

If a regulation is not approved or disapproved within two years of being submitted for General Assembly Review, this bill provides that 1) the regulation is deemed permanently withdrawn, and 2) the promulgating agency must re-file the regulation as a new regulation in accordance with the Administrative Procedures Act.

**H.3185 PROHIBITING THE PROMOTION OF GAMBLING OR LOTTERIES HELD IN OTHER STATES Rep. Hawkins**

This bill makes it unlawful to promote, through print or electronic medium, gambling or lotteries held in other states or jurisdictions, when the type of gambling that is promoted is illegal in South Carolina. Penalties are provided for failure to comply.

**H.3196 TRANSFER OF FIREARMS Rep. J. Brown**

This bill requires a retailer to perform a ballistics test on a firearm before the firearm is delivered to a purchaser. The bill also requires a retailer to provide the following information to the State Law Enforcement Division (SLED): 1) the bullet discharged from the firearm during the ballistics test, 2) the firearm's serial number, and 3) the firearm purchaser's name. Penalties are established for failure to comply.

This bill requires a firearm owner to report to SLED the sale, transfer by gift, theft, loss, or destruction of a firearm. Penalties are established for failure to comply.

**H.3197 LEGAL HOLIDAYS Rep. J. Brown**

Under this bill, the federal holiday celebrating Martin Luther King, Jr.'s birthday would be a mandatory state holiday. Currently, January 15 is an optional state holiday.

**H.3202 REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES  
Rep. Bowers**

This bill requires the House of Representatives to reapportion itself, beginning with the year 2000 census, in such a manner that an election district will be wholly contained within a county. This provision is applicable only if a county has sufficient population.

**H.3209 SOUTH CAROLINA CRIMINAL GANG ACT Rep. Fleming**

This bill makes it unlawful for an individual to participate in a criminal gang. The elements of the offense are outlined in the bill. Penalties are established for failure to comply.

This bill prohibits adults and juveniles from recruiting, soliciting, inducing, or commanding another person to be a member of a criminal gang. This bill also makes it illegal for adults and juveniles to conspire to recruit, solicit, induce, or command another person to be a member of a criminal gang. Penalties are established for failure to comply.

Under this bill, it is illegal for a person to knowingly allow his or her real or personal property to be used by a criminal gang. Penalties are established for failure to comply. The bill also outlines procedures and safeguards for seizing property subject to forfeiture.

This bill provides in certain circumstances that parents or legal guardians must reimburse the State for the costs of the care of a minor child adjudicated delinquent under these provisions.

This bill amends the statute relating to the jurisdiction of the State Grand Jury so as to add multi-county activity of criminal gangs to its jurisdiction.

**H.3210 DISCLOSURE OF JUVENILE RECORDS Rep. Fleming**

This bill allows law enforcement to inspect the record of a juvenile under investigation for certain offenses without first obtaining judicial consent.

H.3210 authorizes law enforcement agencies to fingerprint a juvenile under investigation for certain offenses without first obtaining an order from the family court. This bill deletes the prohibition that a juvenile's fingerprints may not be provided to another law enforcement agency. This bill also deletes the provision that requires a juvenile's fingerprint records to be destroyed or expunged.

This bill requires that photographs and fingerprints taken by the Department of Juvenile Justice must be transmitted to the State Law Enforcement Division. Under the bill, photographs and fingerprints taken by the Department of Juvenile Justice may be transmitted to the Federal Bureau of Investigation.

This bill deletes the provision that allows only governmental agencies authorized by a family court to inspect a peace officer's records of children.

This bill does not prohibit the gathering and sharing of information by law enforcement officials. However, the senior official of each agency under this bill is charged with establishing security procedures for safeguarding information and files.

**H.3216 DISPOSITION OF WAGES OF A PRISONER ALLOWED TO WORK AT PAID EMPLOYMENT Rep. Campsen**

Under this bill, the director of the Department of Corrections is required to deduct from a prisoner's wages the amounts required by law for federal and state tax withholdings. This bill establishes a distribution plan for the remainder of a prisoner's wages so as to include payments for victim restitution, child support, prisoner room and board, prisoner incidentals, and prisoner escrow account.

**H.3218 INFORMATION PROVIDED BY A TAXPAYER TO A COUNTY OR MUNICIPALITY Rep. Miller**

This bill makes confidential the information that is provided by a taxpayer to a county or municipality in a report, tax return, or application required to be filed by the taxpayer. However, this bill does not prohibit 1) the publication of statistics, 2) the inspection of reports, returns, or applications by persons connected with audits of the taxpayer, 3) appeals by the taxpayer, 4) and collection efforts. Penalties are established for failure to comply.

This bill amends *South Carolina Code of Laws* §12-54-240, relating to the confidentiality requirements of state tax returns, so as to extend these confidentiality requirements to the admissions license tax.

This bill amends *South Carolina Code of Laws* §30-4-440, relating to matters exempt from disclosure under the Freedom of Information Act, so as to make its provisions conform to the new confidentiality provisions in this bill.

**H.3223 PATERNITY Rep. J. Brown**

This bill allows court orders establishing paternity to be reversed when 1) there is evidence that was not available at the hearing, and 2) that evidence shows the order establishing paternity was in error.

**H.3232 SOUTH CAROLINA GARNISHMENT ACT Rep. Bowers**

The bill authorizes a right to a writ of garnishment for individuals that receive a judgment in any court. However, a writ of garnishment under this bill may only be issued for actions arising under contract. This bill does not apply to 1) garnishment for income tax purposes, 2) garnishment for child support purposes, and 3) actions in tort.

Under this bill, the judgment debtor's salary or wages may be garnished; no other types of personal property of the debtor are subject to garnishment. However, the bill does provide limitations for garnishing a debtor's wages.

When the amount of judgment is five thousand dollars or less, then jurisdiction over the garnishment action must be in magistrate's court. Otherwise jurisdiction over such garnishment actions is in the circuit court.

The bill outlines the procedure in which a judgment creditor may obtain a writ of garnishment. There is a provision in the bill requiring the judgment creditor to file a satisfaction of judgment with the clerk of court in each county where the judgment was filed, within twenty days of receipt of full payment.

This bill repeals *South Carolina Code of Laws* §37-5-104, relating to the prohibition against garnishment for debts arising from a consumer credit sale.

**H.3236 SINE DIE ADJOURNMENT Rep. Campsen**

After convening the annual session, this bill requires the General Assembly to meet in local session for a period of thirty calendar days in odd-numbered years. However, the bill allows either or both houses to meet in statewide session during this thirty day period when there is a two-thirds vote of that particular body.

This bill provides that in odd-numbered years that the regular annual session of the General Assembly shall adjourn *sine die* no later than 5:00 p.m. on the first Thursday in June. This bill provides that in even-numbered years that the regular annual session of the General Assembly shall adjourn *sine die* no later than 5:00 p.m. on the first Thursday in May.

In any year that the House of Representatives fails to give third reading to the annual general appropriations bill by March 31 in odd-numbered years, this bill requires the date of *sine die* adjournment to be extended by one statewide day for each statewide day after March 31 that the House of Representatives fails to give the bill third reading.

Under the provisions of this bill, beginning in the year 2001 in any odd-numbered year in which the annual general appropriations act is given third reading before March thirty first by the House of Representatives, the date of *sine die* adjournment is shortened by one statewide day for each statewide day before March 31 that the act is given third reading by the House of Representatives.

Under the provisions of this bill, beginning in the year 2001 the General Assembly may enact a biennial state general appropriations act in a form and under the conditions it considers appropriate.

This bill provides that the Governor and the General Assembly will use a “zero base” budget process applying the Malcolm Baldrige award criteria standards or its substantial equivalent.

Nothing in the bill prevents the General Assembly from enacting a supplemental appropriations bill or a capital reserve fund appropriations bill in even-numbered years.

#### **H.3238 SOUTH CAROLINA BUSINESS DEBT RECOVERY ACT OF 1999**

**Rep. Cotty**

This bill provides that every person who has recovered a judgment in a court against another person to recover a “commercial debt” has a right to a writ of garnishment. The bill defines the term “commercial debt.”

Under this bill, only the judgment debtor’s income, wages, interest, rents, capital gains, dividend bonuses, and commissions are subject to garnishment. Funds or benefits from a pension or retirement program or funds or benefits from an individual retirement account are exempt from the process of garnishment, until they are paid or otherwise transferred.

The bill outlines the procedure in which a judgment creditor may obtain a writ of garnishment. Also, the bill has limitations for garnishing a debtor’s wages.

H.3238 prohibits an employer from terminating an employee because the employee’s wages have been subjected to garnishment.

The remedies provided for in this bill are not exclusive but are in addition to any other collection procedures.

This bill amends *South Carolina Code of Laws* §37-5-104, the statute relating to the prohibition against garnishment for debts arising from a consumer credit sale, so that the statute conforms to the provisions of this bill.

#### **H.3241 CRIMINAL RECORDS SEARCH FOR CHARITABLE ORGANIZATIONS**

**Rep. Lourie**



This bill authorizes the State Law Enforcement Division to charge a maximum fee of five dollars for a criminal record search performed for 1) a charitable organization, or 2) the use of a charitable organization.

**H.3234 PEREMPTORY CHALLENGES Rep. Lourie**

A peremptory challenge is defined as the right to challenge a juror without assigning a reason for the challenge. Under this bill, the State and defendants would have the same number of peremptory challenges.

**LABOR, COMMERCE AND INDUSTRY**

**H.3162 HEALTH INSURANCE COVERAGE FOR DIABETES Rep. J. Brown**

This bill provides that every health maintenance organization, individual and group health insurance policy or contract issued or renewed in the state after July 1, 1999, shall provide coverage for equipment, supplies, and outpatient self-management training for the treatment of diabetes mellitus, if these items and services are prescribed by an authorized health care professional to meet or exceed minimum standards of care that are adopted by the Diabetes Initiative of South Carolina.

**H.3166 PUBLIC RESTROOMS IN CONVENIENCE STORES Rep. J. Brown**

This bill requires that a public restroom must be provided in all convenience stores constructed in the state on and after July 1, 2000 which sell gasoline and food or beverages.

**H.3167 CHOICE OF HEALTH CARE PROVIDER UNDER MANAGED HEALTH INSURANCE PLANS Rep. J. Brown**

This bill provides that a health insurance contract issued by an insurer, health maintenance organization, preferred provider organization, health care service corporation, or other third party payor may not exclude the right of assignment of benefits to any health care provider at the same benefit rate that is paid to a health care provider who is under contract in the plan.

**H.3172 EMPLOYEE LEAVE FOR ATTENDING SCHOOL EVENTS Rep. J. Brown**

This bill requires employers to grant employees up to twelve hours of leave time each year to allow the employee to attend, observe, or participate in school conferences or activities. In order for such leave to be used, the school event must pertain to a child for which the employee is a parent or legal guardian, and the school or day care center must request the employee's presence. The employee must give an employer appropriate notice that leave is to be taken and must, upon return to work, supply the employer with verification signed by the principal or other school or day care official. An employer is not required to pay an employee for such leave time, and may require an employee to substitute accrued vacation time or other types of paid leave other than sick leave.

**H.3199 UNEMPLOYMENT INSURANCE FOR NEW BUSINESSES Rep. Bowers**

This bill provides that new businesses in South Carolina shall be assessed the lowest rate for unemployment insurance until claims are filed which justify higher rates.

**H.3200 WORKERS' COMPENSATION INSURANCE FOR NEW BUSINESSES Rep. Bowers**

This bill provides that new businesses in South Carolina shall be assessed the lowest rate for workers' compensation insurance until claims are filed which justify higher rates.

**H.3229 SAFE DRIVER AUTOMOBILE INSURANCE DISCOUNT Rep. Bowers**

This bill provides that no driver who has been granted a safe driver discount shall forfeit that discount for up to four merit rating points used for automobile insurance purposes.

**H.3230 RENEWAL OF CERTIFIED PUBLIC ACCOUNTANT LICENSE Rep.**

**Bowers**

This bill provides an extension for the renewal of a certified public accountant license when the license holder is outside the United States and Puerto Rico on the date of renewal. In such a case, the individual has until the fifteenth day of the sixth month after the license renewal date. A person relying upon this extension must attach to the renewal form a statement of why he qualifies for the extension.

**H.3244 WAITING PERIOD FOR EMPLOYEE INSURANCE PLANS Rep.**

**Townsend**

This bill addresses situations where an individual leaves a position of employment where he has been enrolled in an employee policy of group accident, health, or accident and health insurance, and subsequently accepts a position with another employer who also provides an employee policy of group accident, health, or accident and health insurance. Under the bill, such an employee could not be required to serve any probationary or waiting period for group insurance coverage with the new employer. The individual's insurance coverage under the subsequent employer's group plan shall be fully effective upon his first day of employment with the subsequent employer.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3163 SALES TAX EXEMPTION FOR ORTHOTIC DEVICES Rep. J. Brown**

This bill exempts from the sales tax prescription orthotic devices. Replacement parts for such orthotic devices are exempted from the sales tax along with replacement parts for prescription prosthetic devices, which are currently exempt from the sales tax.

**H.3169 "S.C. MATERNAL H.I.V. PROTECTION ACT" Rep. J. Brown**

This bill provides that every pregnant female who initially consults a health care professional in this state must be counseled about the human immunodeficiency virus (HIV), the risk of transmission of the virus to the fetus, and the treatment available to prevent such transmission. The individual must also be offered the opportunity to receive a test for the presence of HIV. Any child delivered under circumstances where the HIV status of the mother is undocumented must be immediately tested to determine the HIV status of the child. The results of any HIV test provided under the bill must be made a permanent part of the patient's medical record. Test results may be released only to health care professionals attending a patient and/or the patient's newborn child, or as authorized by the patient or the legal representative of the patient and/or the patient's newborn child. The bill provides a form which must be completed by health care professionals as evidence that the expecting mother has received the required counseling and has been given the option of an HIV test.

**H.3170 DISCLOSURE OF THE OWNER OF A FUNERAL HOME Rep. J. Brown**

This bill provides that a funeral home operating under a business name that does not clearly reflect the actual ownership of the business must conspicuously note in its signage, letterhead, and advertisements the name of the individual, partnership, corporation, or other entity which owns the funeral home.

**H.3186 RECIPROCAL CERTIFICATION OF PHYSICIANS LICENSED  
BY THE MEDICAL COUNCIL OF CANADA Rep. Harrell**

This bill authorizes the State Board of Medical Examiners to allow reciprocal certification for physicians licensed by the Medical Council of Canada.

**H.3212 COMMISSION FOR HEARING AID SPECIALISTS Rep. Lanford**

This bill transfers to the Department of Labor, Licensing and Regulation the powers and responsibilities which the Department of Health and Environmental Control currently exercise under the "Practice of Specializing in Hearing Aids Act." The Commission for Hearing Aid Specialists shall act as a professional and occupations licensing board for hearing aid specialists within the Department of Labor, Licensing and Regulation.

**H.3217 PATIENT-STAFF RATIOS FOR NURSING HOMES Rep. J. Brown**

This bill provides that, as a condition of licensure, a nursing home must maintain the following minimum patient-staff ratios for staff who provide nursing care, excluding registered nurses and licensed practical nurses: a ratio of 9 to 1 for the day shift; a ratio of 13 to 1 for the evening shift. Definitions for day and evening shifts are provided.

**H.3235 "S.C. AUTOMATED EXTERNAL DEFIBRILLATOR ACT" Rep. J. Brown**

This bill requires certain training for designated users of an automated external defibrillator (AED), a device used for the emergency treatment of individuals experiencing cardiac arrest. A party which acquires an AED is required to report its existence, location, and type to the local emergency medical service provider. Owners of an AED are required to provide specified testing and maintenance of the machine. Under the bill, an individual who, acting in good faith, makes use of an AED is provided specified immunity from civil liability.

**H.3237 S.C. DIETETICS PRACTICE ACT Rep. Altman**

This bill requires licensure for all individuals holding themselves out to be dietitians and nutritionists employed to provide dietetic and medical nutrition therapy for inpatient, outpatients, and home patients. A Committee of Dietetics is created to evaluate the qualifications and supervise the examinations of applicants for licensure, making appropriate recommendations to the State Board of Medical Examiners. The Committee is also authorized to make recommendations to the Board regarding such matters as continuing education requirements and standards of ethical conduct. Criteria for licensure is established. Licenses are subject to biennial renewal. The legislation specifies conditions under which the Committee may recommend to the Board that a license be revoked or suspended.

**H.3240 AUTHORITY FOR PODIATRISTS TO AMPUTATE TOES Rep. Bowers**

This bill revises the definition of "surgical treatment" under the state's laws governing the practice of podiatry so as to confer upon podiatrists the authority to amputate toes.

**H.3242 CRIMINAL RECORD CHECKS FOR DIRECT CAREGIVERS IN NURSING HOMES AND HOME HEALTH AGENCIES Rep. Lourie**

This bill provides that it is a misdemeanor for anyone convicted of certain crimes to apply for employment or be employed or contract as a direct care giver for a nursing home or a home health agency. An individual convicted of this offense must be fined not more than \$5,000 and/or imprisoned not more than one year. Pertinent employment forms must make clear this new provision. Employees of nursing homes and home health agencies hired to provide direct care after July 1, 1999 would be required to undergo S.C. Law Enforcement Division (SLED) and Federal Bureau of Investigation (FBI) fingerprint criminal history checks. Nursing homes and home health agencies are also required to furnish copies of personnel records of current or former direct caregivers to other nursing homes or home health agencies which request this information.

## **WAYS AND MEANS**

### **H.3160 TAX EXEMPTION FOR EYEGLASSES Rep. J. Brown**

This bill provides an exemption from sales and use tax for prescription eyeglass lenses and raw materials used in the fabrication of such lenses. The exemption does not extend to eyeglass frames.

### **H.3177 STATE ARCHEOLOGISTS Rep. Bales**

This bill provides that the Director of the SC Institute of Archeology and Anthropology shall appoint, rather than serve as, the State Archeologist and shall appoint a State Underwater Archeologist. The bill also provides duties and responsibilities for the Institute Director and for the State Underwater Archeologist, and revises the duties of the State Archeologist.

### **H.3187 STATE CONSTABLES Rep. Knotts**

This bill authorizes the State Budget and Control Board to provide tort liability insurance for state constables (whether they are compensated or not) and provides that volunteer state constables serving without compensation are considered "employees" while performing duties in connection with their appointment and are eligible to receive workers' compensation weekly wages in the amount of thirty-seven and one-half percent of the average weekly wage in the State for the preceding fiscal year. The bill states that a volunteer state constable serving without compensation is a volunteer whose appointment is certified by the State Law Enforcement Division (SLED) as having completed the requisite training to maintain an active commission. The bill gives the Chief of SLED regulatory control and approval over training programs for voluntary state constables, and authorizes SLED to classify state constables according to their level of training, and designate which classes may perform certain law enforcement responsibilities. The bill provides that funding to pay for tort liability insurance, for workers' compensation insurance, and for training and equipment for volunteer state constables must be provided by appropriations to SLED. The bill also authorizes certain volunteer state constables to use emergency lights and audible signals in privately owned motor vehicles, under specified conditions, and to operate authorized emergency vehicles when responding to emergency calls.

### **H.3190 HOMESTEAD EXEMPTION Rep. Hawkins**

This bill increases from twenty thousand dollars to thirty thousand dollars, the amount of the homestead exemption provided to taxpayers who are over age sixty-five, totally and permanently disabled, or legally blind.

### **H.3191 ELIGIBILITY FOR FEE IN LIEU OF TAXES Rep. Jennings**

This bill reduces from five million dollars to one million dollars the required minimum level of investment for eligibility for fee in lieu of taxes for a county which has an average annual unemployment rate of at least twice the state average during each of the last two calendar years.

### **H.3192 LIMITATIONS ON EARNINGS OF RETIREES Rep. Cobb-Hunter**

This bill provides that the limitation on the amount of earnings in a fiscal year that a retiree may receive from a covered employer under the state retirement system without the loss of retirement benefits does not apply to the earnings of a retired teacher who is certified to teach in South Carolina, if: the teacher is teaching in a critical need subject area, a critical need school district, or a critical need rural school ; or the teacher is teaching in an impaired school or in a school or school district which currently is rated as "unsatisfactory" or "below average" under the Education Accountability Act of 1998.

**H.3194 EDUCATION FUNDING Rep. Cobb-Hunter**

This bill provides that the Education Finance Review Committee, whose current charge is to advise the General Assembly and review its implementation of the Education Finance Act of 1977, is also charged to study the funding formulas for public education in South Carolina to determine if they are adequate and equitable and to study the issue of unfunded mandates caused by new educational initiatives. The bill provides that the Committee's findings shall be compiled in a report to be presented to the General Assembly by January 15, 2000.

**H.3195 FUNDING FOR HALF-DAY KINDERGARTEN Rep. Cobb-Hunter**

This joint resolution appropriates from surplus general fund revenues the sum of \$61,542,350 to the State Department of Education for full funding of public half-day kindergarten for four-year olds for school year 1999-2000.

**H.3198 INCOME TAX CREDIT FOR SOCIAL SECURITY TAXES Rep. Bowers**

This bill provides that a business which begins operating in this State after July 1, 1999, or which had been in operation less than twelve months before that date, and has not or does not qualify for economic assistance, tax credits, or other incentives available pursuant to any economic development act provided in South Carolina, may claim an income tax credit for the first five years of operation in an amount equal to the Social Security taxes paid by the business on its employees' wages.

**H.3201 RETIREMENT SERVICE CREDITS FOR JUDGES  
AND SOLICITORS Rep. Bailey**

This bill revises from 1/1/74, to 1977, the date after which service credit may not be established in the retirement system for judges and solicitors for active military service.

**H.3203 PROPERTY TAX EXEMPTIONS Rep. Bowers**

This bill provides a personal property tax exemption (available for the first five years of operation) for property owned by a business which initiates operation in South Carolina after July 1, 1999, or had been in operation less than twelve months before that date, and has not or does not qualify for economic assistance, tax credits, or other incentives available pursuant to any other economic development act provided in South Carolina.

**H.3204 PROPERTY TAX ASSESSMENT/HOMESTEAD EXEMPTION Rep. Bowers**

This bill extends the four percent assessment ratio allowed a legal residence to a secondary residence and extends the homestead exemption (for taxpayers over age sixty-five and disabled) to a secondary residence if the taxpayer is otherwise qualified for the exemption.

**H.3205 INCOME TAX CREDITS/PROPERTY TAX  
EXEMPTIONS FOR BUSINESSES Rep. Bowers**

This bill provides that a business which initiates operation in this State after July 1, 1999, or had been in operation less than twelve months before that date, and has not or does not qualify for economic assistance, tax credits, or other incentives available pursuant to any other economic development act provided in this State, may claim a credit against income taxes for the first five years of its operation in an amount equal to the Social Security taxes paid by the business on its employees' wages. The bill also provides a five year exemption from *ad valorem* taxation for personal property owned by such a business.

**H.3206 PROPERTY TAXATION AND ASSESSMENT Rep. Bowers**

This bill provides that residential property which a rental-occupant occupies as his principal residence on the same basis as an owner-occupant, except for the fact that ownership is

vested in another person, qualifies for the four percent assessment ratio for purposes of *ad valorem* property taxation.

**H.3207 APPEALS OF REAL PROPERTY VALUATION Rep. Bauer**

This bill provides that in nonassessment years, notice of objection of valuations of real property for purposes of property tax may be given at any time by the first due date for taxes for the year. Current law provides that such notice must be given by March first.

**H.3208 STATE CONDUCTED LOTTERY Rep. Bales**

This joint resolution proposes an amendment to the SC Constitution authorizing lotteries to be conducted by the state as provided for by the General Assembly with the revenues (after deducting a maximum of fifteen percent for operational expenses and a minimum of fifty percent for prizes) to be used to provide scholarships to in-state residents to attend post-secondary institutions. Revenues in excess of the scholarship program requirements would be used for public school building construction and renovation.

**H.3213 ASSESSMENT FOR PROPERTY TAXATION Rep. Bowers**

This bill provides that multi-unit residential real property containing four units or less which each unit occupant occupies as his principal residence on a rental or ownership basis shall be taxed on an assessment equal to four percent of the fair market value of the property. Such property under current law is taxed on an assessment equal to six percent of the fair market value of the property.

**H.3214 TAX ASSESSMENT ON CERTAIN MOTOR VEHICLES Rep. Bowers**

This bill provides that all private passenger motor vehicles used for noncommercial purposes shall be taxed on an assessment equal to six percent of fair market value. Current law provides that such property is taxed on an assessment equal to ten and one-half percent of the fair market value of the property.

**H.3215 CREDITED SERVICE FOR SC RETIREMENT SYSTEMS Rep. J. Brown**

For purposes of credited service for the SC Retirement System, the Retirement System for members of the General Assembly, and the Police Officers' Retirement System, this bill allows service in the selected reserve of any of the reserve components of the Armed Forces of the U.S. to be established.

**H.3222 REGULATION OF BINGO Rep. Bowers**

This bill amends the Bingo Tax Act of 1996 so as to provide that radio and television stations in South Carolina may apply for a bingo promoter's license and contract with licensed nonprofit corporations to conduct and broadcast bingo games by radio and television. The bill further provides that radio and television stations in South Carolina that do not obtain a promoter's license may contract with licensed promoters to conduct and broadcast bingo games by radio and television. The bill also provides that when contracting with a licensed nonprofit organization or a licensed promoter to conduct and broadcast a bingo game, it is not unlawful for a radio or television station to generate additional revenue for the station by purchasing bingo cards and supplies and distributing them free, or for a price, to business entities who purchase advertising time from the station.

**H.3228 RESIDENTIAL PROPERTY TAX RELIEF TRUST FUND Rep. Bowers**

This bill provides for an exemption from property tax (other than tax levied for bonded indebtedness) on residential property consisting of four or fewer units in amounts of fair market value sufficient to equal an assessment ratio of four percent. The bill requires that the Board of Economic Advisors annually remove from its estimated revenue projection for the succeeding fiscal year an amount equal to fifteen percent of projected recurring general

fund growth, not to exceed the total residential property base payment. These funds are to be earmarked from state income tax revenues and are to be used for monthly reimbursement to counties for property tax revenues not collected. The bill also provides the order of the tax liabilities to which the exemption applies by requiring that county auditors, when calculating the reduction of tax liabilities, must first eliminate the liability in an amount equal to the four percent assessment ratio on the property. After this liability is eliminated, the bill provides that county auditors reduce the liability for amounts required to extend the exemption currently allowed for the first \$100,000 of a homestead exemption to each individual unit of residential property.

**H.3231 FEE IN LIEU OF PROPERTY TAXES FOR AUTOMOBILES Rep. Bowers**

This bill replaces property taxes on personal passenger motor vehicles (cars and light trucks) with a uniform fee. The bill provides that the fee is to be established by the Department of Revenue and is to be returned and collected under the current method.

**H.3233 NET CAPITAL GAINS Rep. Limehouse**

This bill deletes the current two-year special state holding period required for the state deduction of a portion of net capital gains from South Carolina taxable income of individuals, estates, and trusts.

**H.3234 STATE EMPLOYEE LEAVE POLICY Rep. Bauer**

This bill adds sections to the SC Code of Laws providing that a full-time or probationary state employee may use up to three consecutive workdays of leave with pay on the death of a member of the employee's immediate family. The bill provides a definition of "immediate family," and requires that the employee, when requesting such leave, submit a statement to the employer with specified information concerning the leave.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

**H.3266 VOLUNTARY CLEANUP PROGRAM Rep. D. Smith**

This bill establishes a Voluntary Cleanup Program to return to use idle or underused industrial facilities whose redevelopment is complicated by real or perceived environmental contamination. Under the bill, a party can enter into a voluntary cleanup contract with the Department of Health and Environmental Control (DHEC), conducting assessment and cleanup at a contaminated site in exchange for specified protection from liability under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). A party who is responsible for the contamination of the site or facility is not eligible to participate in a voluntary cleanup contract. Under the legislation, DHEC is reimbursed for all oversight costs involved in voluntary cleanup contracts.

### **EDUCATION AND PUBLIC WORKS**

**H.3247 EARLY CHILDHOOD DEVELOPMENT TASK FORCE Rep. Govan**

This House Resolution establishes a task force to study early childhood development and its impact on school readiness and success in school. The resolution provides for membership, meetings, staffing, and subject matter for the task force and requires that a written report

containing its findings be submitted to the House of Representatives, at which time the task force is abolished.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.3276 MUNICIPAL CHARGES TO TELECOMMUNICATIONS PROVIDERS**

**Rep. Wilkins**

This bill specifies the manner in which municipalities may charge telecommunications companies for the use of public rights-of-way and for business license taxes in order to ensure that such charges are imposed on a competitively neutral and nondiscriminatory basis. If a municipality charges a telecommunications company for its use of the public rights-of-way, that charge must be limited to a permit fee in an amount directly related to costs the municipality incurs in managing the pertinent rights-of-way. Rights-of-way management costs shall not include any depreciation or repair costs and shall not exceed twenty-five dollars for each permit issued to a telecommunications company. A telecommunications company shall not be required to pay a permit fee for the use of public rights-of-way unless it actually owns or controls poles, wires, or other structures located in the public rights-of-way. A municipality must grant or deny all permit applications within thirty days. No telecommunications company shall install or construct facilities in the public rights-of-way unless authorized by a permit issued by a municipality. All aspects of a municipality's management of the public rights-of-way shall be competitively neutral and nondiscriminatory. A municipality may not use its authority over the public rights-of-way as a basis for asserting regulatory control over telecommunications companies regarding matters within the jurisdiction of Public Service Commission or the Federal Communications Commission.

A business license tax levied by a municipality upon a telecommunications company shall not exceed two-tenths of one percent of the gross income derived from the sale of retail telecommunications services originating or terminating in the municipality for the preceding calendar or fiscal year. A business license tax levied by a municipality upon a telecommunications company may not exceed in the aggregate the average effective tax rate applied to other general retail businesses. Such business license taxes must be imposed in a competitively neutral and nondiscriminatory manner upon all providers of retail telecommunications services.

A municipality is prohibited from imposing any tax, license, fee, or other assessment upon a telecommunications company other than the permit fee and business license tax provided for under the bill, ad valorem property taxes, and franchise fees provided for under federal law.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

No bills were referred to the 3M Committee this week.

## **WAYS AND MEANS**

### **H.3259 RETIREMENT INCOME Rep. Chellis**

This joint resolution allows a state individual income tax deduction of retirement income, not to exceed three thousand dollars a year, for taxable years 1994-1997, for taxpayers who elected to defer a retirement income tax deduction until age sixty-five or who failed to make such an election.



**H.3262 TOBACCO LITIGATION SETTLEMENT Rep. Battle**

This bill provides that, of the funds received in any fiscal year from South Carolina's portion of the national tobacco litigation settlement, at least one-third of the funds must be used each year to provide aid to communities dependent on tobacco farming in the manner the General Assembly shall provide in the annual general appropriations bill for that year.

**H.3263 COMPLIANCE WITH MILITARY SELECTIVE SERVICE ACT Rep.**

**Harrison**

This bill provides that a male person who is eighteen years of age or older who is not in compliance with the Military Selective Service Act is not eligible for employment by or service with the State or a political subdivision of the State. The bill requires verification of such compliance. The bill also provides that a male person between the age of eighteen and twenty-six years may not receive a loan, grant, scholarship, or other financial assistance for postsecondary higher education funded by state revenue, including federal funds or gifts and grants accepted by this State, unless he is in compliance with the Military Selective Service Act. The bill requires verification of compliance before such assistance may be granted.

**H.3265 COMPLIANCE WITH MILITARY SELECTIVE SERVICE ACT Rep. Knotts**

This bill provides that a male person who is eighteen years of age or older who is not in compliance with the Military Selective Service Act is not eligible for employment by or service with the State or a political subdivision of the State. The bill requires verification of such compliance. The bill also provides that an individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds, gifts, or grants accepted by this State, or receive a student loan guaranteed by this State, unless the individual files a statement of the individual's selective service status with the entity granting or guaranteeing the financial assistance. The bill specifies individuals who are exempt from these requirements and delineates information which must be included in the required statement of the individual's selective service status. The bill directs that the Commission on Higher Education and the State Board for Technical and Comprehensive Education promulgate appropriate regulations to implement these requirements.

**H.3267 EXEMPTIONS FROM SALES AND USE TAX Rep. D. Smith**

This bill provides an exemption from sales tax for prescription eyeglasses, crutches and wheelchairs, and certain other equipment used by a permanently disabled person.

**H.3268 CARRYBACK OF NET OPERATING LOSS DEDUCTION Rep. Davenport**

This bill provides that the carryback of a net operating loss deduction for federal income tax purposes is also allowed for state income tax purposes. A carryback permits the taxpayer to apply net operating loss in one year to recomputation of tax of preceding taxable years.

**H.3269 EXEMPTIONS FROM STATE SALES TAX Rep. Davenport**

This bill provides an exemption from state sales tax for the gross proceeds of sales or sales price of school supplies, school clothes, and other school-related items sold to consumers preparatory to the start of a new academic year during the last week of August and the first week of September each year. The bill also provides a list of the types of items eligible for this exemption.

**H.3270 RAISING PROPERTY TAX MILLAGE Rep. Davenport**

This bill requires a political subdivision in which a property tax reassessment program has been implemented to certify to the Department of Revenue that the proper rollback millage is being used for the tax year. The bill provides that if such a subdivision fails to certify that it is using the applicable rollback millage, the State Treasurer will withhold twenty percent of state revenues otherwise due the political subdivision under the State Aid to Subdivisions Act.

**H.3271 SALES TAX EXEMPTIONS FOR HOUSES OF WORSHIP Rep. Davenport**

This bill provides an exemption from sales and use tax for tangible personal property sold to a house of worship which is exempt from property tax.

**H.3272 LICENSING OF COIN-OPERATED MACHINES Rep. Simrill**

This bill provides that a business seeking to license a coin-operated machine or device must be issued the local license, if required, before a license is issued by the State.

**H.3273 LICENSING OF COIN-OPERATED MACHINES Rep. Simrill**

This bill allows municipalities and counties to levy a license tax on certain coin-operated machines and devices and other amusements in an amount not to exceed the full amount levied by the State before March 28, 1956. Current law provides that this tax may not exceed one-half of the amount levied by the State before March 28, 1956.

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**SPECIAL NOTE:** A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1999-2000. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.